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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,430	02/15/2001	Ernst Ruberl	AT 000010	5073

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EXAMINER

LAM, THANH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,430

Applicant(s)

Guntransdorf et al.

Examiner

Thanh Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other: _____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The abstract of the disclosure is objected to because it contain phaseology term "means".
Correction is required. See MPEP § 608.01(b).
3. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 1. Field of the Invention.
 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.

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- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Azima et al.

Azima et al. disclose (see fig. 3-4) an apparatus having an electroacoustic transducer, which has a magnet system (13, 15) which generates a useful magnetic field in a useful field area and which generates a stray magnetic field in a stray field area, and which magnet system is used to realize vibration generating means (13,18) for the generation of vibrations which are perceptible by a user of the apparatus (intend of use), wherein the vibration generating means include, in addition to the magnet system of the transducer, at least one

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movably mounted vibration generating coil arranged in the area of the stray field generated by means of the magnet system of the transducer.

Regarding claim 2, Azima et al. disclose the vibration generating means include two movably mounted vibration generating coils arranged in the stray field area, and the two vibration generating coils are arranged in series opposition or in anti-parallel.

Regarding claim 3, Azima et al. disclose the vibration generating means include, in addition to the at least one vibration generating coil, a metal part which is mechanically connected to the at least one vibration generating coil and which consists of a soft-magnetic material.

Regarding claim 4, Azima et al. disclose the magnet system is basically ring-shaped, and the magnet system generates the stray magnetic field, which emanates from its outer peripheral area, and the at least one vibration generating coil is annular and is arranged to be coaxial with the axis of the magnet system and is mounted so as to be movable parallel to the axis of the magnet system.

Regarding claim 5, Azima et al. disclose an a.c. generator has been provided, which generator is adapted to generate an a.c. signal having a frequency of, preferably, between 50 Hz and 200 Hz, and the a.c. generator is connected to the at least one vibration generating coil in an electrically conductive manner and supplies the a.c. signal generated by it to the at least one vibration generating coil.

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Regarding claim 6, Azima et al. disclose the electroacoustic transducer, which has a magnet system (13,15) which generates a useful magnetic field in a useful field area and which generates a stray magnetic field in a stray field area, and which magnet system is used to realize vibration generating means (13,18) for the generation of vibrations which are perceptible by a user of the apparatus (intend of use), wherein the vibration generating means include, in addition to the magnet system of the transducer, at least one movably mounted vibration generating coil arranged in the area of the stray field generated by means of the magnet system of the transducer.

Regarding claim 7, Azima et al. disclose the vibration generating means include two movably mounted vibration generating coils arranged in the stray field area, and the two vibration generating coils (13,18) are arranged in series opposition or in anti-parallel.

Regarding claim 8, Azima et al. disclose the vibration generating means include, in addition to the at least one vibration generating coil, a metal part which is mechanically connected to the at least one vibration generating coil and which consists of a soft-magnetic material.

Regarding claim 9, Azima et al. disclose the magnet system is basically ring-shaped, and the magnet system generates the stray magnetic field, which emanates from its outer peripheral area, and the at least one vibration generating coil is annular and is arranged to be coaxial with the axis of the magnet system and is mounted so as to be movable parallel to the axis of the magnet system.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.

A handwritten signature in cursive script, appearing to read 'Thanh Lam', with a long horizontal flourish extending to the left.

Thanh Lam

Patent Examiner

April 6, 2002